IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

WP(C).No. 26780 of 2006(K)

PETITIONER:

E.M. JOHN, AGED 52 YEARS,
S/O.MATHAI, EZHAKUNNEL,
POTHANIKAD, MUVATTUPUZHA.

BY ADV. SRI.T.A.UNNIKRISHNAN
SMT.RESHMI POULOSE

RESPONDENTS:

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1. THE POTHANIKAD, HOUSING CO-OPERATIVE SOCIETIES NO.E.708, POTHANIKAD, MUVATTUPUZHA.

2. THE SENIOR INSPECTOR OF C.S. ARBITRATOR CUM SPECIAL SALE OFFICER, KERALA STATE CO-OPERATIVE HOUSING FEDERATION, REGIONAL OFFICE, ERNAKULAM.

BY ADV. SRI.P.V.BABY FOR R1
SRI.R.KIRAN
GOVERNMENT PLEADER SRI.P.K. RAVIKRISHNAN FOR R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).26780/2006

APPENDIX

PETITIONER'S EXHIBIT

EXT.P1- TRUE COPY OF THE NOTICE DATED 20.9.06 ISSUED BY THE 2ND RESPONDENT

RESPONDENT'S EXHIBITS

EXT.R1(a)- TRUE PHOTOCOPY OF AWARD DATED 7.1.2005 IN ARC NO.2186/2004 RENDERED BY THE ARBITRATOR

EXT.R1(b)- TRUE PHOTOCOPY OF REPRESENTATION DATED 12.8.05 SUBMITTED BY THE PETTIONER BEFORE THE SOCIETY.

(TRUE COPY)

P.A TO JUDGE

J.M.JAMES, J.

W.P.(C). 26780/2006

Dated this the 1st day of February, 2007

JUDGMENT

The counsel for the writ petitioner submits that the defaulted amount, as per the award dated 7.1.2005, is Rs.44,296/- + interest. The writ petitioner submits that an amount of Rs.5,000/- had already been paid to the first respondent. The first respondent had filed a counter affidavit. The petitioner seeks for instalment facilities.

2. After hearing both sides, I direct the petitioner to remit the entire amount due to the first respondent, through eight equal monthly instalments, commencing from the month of February. The first instalment shall be paid on or before 28.2.2007, and the subsequent instalments shall be paid before 28th of the succeeding months.

3. While fixing the total amount due to the first respondent, the amount already remitted by the writ petitioner shall also be considered.

4. In case of any default in the payment of two

consecutive instalments, the first respondent shall proceed against the writ petitioner to realise the amount, as per the law.

5. All the coercive steps initiated against the writ petitioner shall be kept in abeyance, as per the directions contained herein.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

mrcs